

U. S. DISTRICT COURT  
N. D. OF N. Y.  
FILED

JUN 14 2005

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
LAWRENCE K. \_\_\_\_\_ CLERK  
UTICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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ROME AMBULATORY SURGERY CENTER, LLC,

Plaintiff,

-VS-

ROME MEMORIAL HOSPITAL, INC. and  
GREATER ROME AFFILIATES, INC.,

Defendants.

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Civil Action No.:  
5:01-CV-023  
(DNH/GJD)

**STIPULATION OF DISCONTINUANCE BECAUSE OF SETTLEMENT**

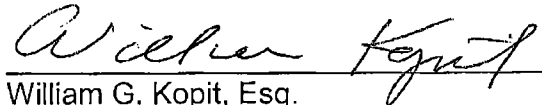
1. The parties to this action have reached a settlement.
2. Under the terms of the settlement, this action will be dismissed with prejudice. Neither side acknowledges liability or fault to the other, but instead agrees to resolve this case on mutually acceptable terms in order to avoid the expense and uncertainty of litigation.
3. Each party may retain all documents, and any copies of them, obtained from other parties in the course of discovery, and all summaries of that material; but such material must be retained in confidence subject to the revised Protective Order dated October 24, 2002, or otherwise destroyed.

4. All documents currently filed under seal in this action shall remain filed under seal.

5. The terms and conditions upon which the parties agreed to settle this case shall be maintained in the strictest confidence by the parties and their insurers, attorneys, Board members, officers, employees and/or members.

6. The Court may enter an Order of Dismissal accordingly.

DATED: June 10, 2005



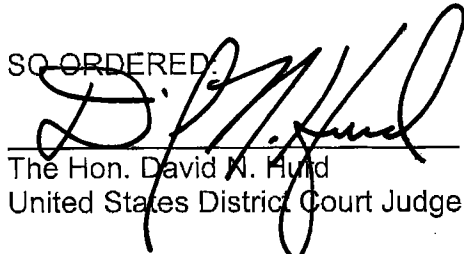
William G. Kopit, Esq.  
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DATED: June 10, 2005



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Tel. (315) 471-3151

SO ORDERED:



The Hon. David N. Hund  
United States District Court Judge

June 14, 2005  
Utica, N.Y.